UNITED STATES DISTRICT COURT EASTERN DISTRICT OF NEW YORK	X	
ALEXANDER SOTO,	: :	05 CV 2407 (ARR)
Petitioner.	: :	NOT FOR PUBLICATION
-against-	:	
CHARLOTTE SELTZER, Executive Director and CREEDMOOR PSYCHIATRIC CENTER,	: : :	<u>ORDER</u>
Respondents.	: · X	
ROSS, United States District Judge:		of law dec

On January 9, 2006, respondent filed a motion to file its memorandum of law, declaration in opposition, and any other materials related to the above-captioned case under seal. Respondent contended that a sealing order was necessary to protect petitioner's privacy because

respondent had filed documents with the court relating to petitioner's mental health. See Chaffee Decl. ¶ 5. By order dated January 10, 2006, the court directed petitioner to file his opposition, if any, to respondent's motion by January 20, 2006. Petitioner did not file an opposition by January 20, 2006 and, thus, the court granted respondent's motion. On January 31, 2006, petitioner filed his opposition to respondent's motion to seal. Despite the fact that petitioner's opposition is untimely, the court vacates its order to seal. It is unnecessary to seal the records related to this case because petitioner's opposition invalidates the only basis of the sealing order (i.e., petitioner's privacy interest). Accordingly, the court orders the Clerk of the Court to unseal the files in the above-captioned case.

SO ORDERED.

Allyne R. Ross
United States District Judge

Dated: March 3, 2006

Brooklyn, New York

## SERVICE LIST:

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Respondent
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